

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY JOSEPH,
Plaintiff,

v.

PEPPERIDGE FARM INCORPORATED,
Defendant.

CIVIL ACTION

NO. 22-4049

ORDER

AND NOW, this 4th day of March, 2024, upon consideration of Defendant's Partial Motion to Dismiss (ECF No. 10), the responses thereto (ECF Nos. 13–14), and for the reasons set forth in the accompanying Memorandum, **IT IS ORDERED** that Defendant's Motion (ECF No. 10) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's motion to dismiss Plaintiff's race discrimination claims is **GRANTED**. Plaintiff's race discrimination claims raised in Counts I, III, and V are **DISMISSED WITHOUT PREJUDICE**.
2. Defendant's motion to dismiss Plaintiff's age discrimination claims is **GRANTED**. Plaintiff's age discrimination claims raised in Counts VII and VIII are **DISMISSED WITH PREJUDICE**.
3. Defendant's motion to dismiss Plaintiff's Pennsylvania Human Relations Act ("PHRA") claims for failure to exhaust administrative remedies is **DENIED AS MOOT**.

Plaintiff may file an Amended Complaint, as outlined in the accompanying Memorandum, on or before **April 1, 2024**.

BY THE COURT:

/s/ **Hon. Kelley B. Hodge**

HODGE, KELLEY B., J.